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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,708	12/13/2001	Satoshi Yoshihara	075834.00122	2210

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/022,708

Applicant(s)

YOSHIHARA ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 13-15 is/are allowed.
- 6) ☐ Claim(s) 12 and 16 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 through 16 are pending in the application, in which, claims 1, 6, 11 and 12 are independent and claims 2-5, 7-10, 15 and 16 are dependent, and the previously allowed claims 1-15, as indicted in the last Office action has been maintained.

Therefore, upon further consideration, Examiner has maintained the rejection with regard to claims 12 and 16, in view of below submitted Office action. Therefore, this Office action final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinugasa (USP 5,043,817) in view of Beckett (USP 5,852,502).

With respect to claim 12, Kinugasa teach or discloses image scanner (as shown in fig 6) comprising: a solid-state image sensing device (10 of fig 4) for an image sensor to read a document image, (object 19 of fig 1) solid-mage sensing device (fig 6) comprising:

at least first group of color sensors device (vertical or horizontal CCD sensor of fig 6), and second group of monochrome sensors devices (17 and 18 of fig 6) formed on the same chips, (on same chips CCD of fig 6) each of the sensors comprising a pixel line and a charge-transfer part for transferring signal charge to be read from each pixel of the pixel line (senor 10 of fig 6, comprising a pixel line a photodiodes 16 (p11), (p12)—as shown in fig 6, in horizontal and vertical arrangement); and

driving means (sensor driving circuit 11 of fig 5) which stops charge-transfer driving of the signal charges of the color sensors (photodiodes 16 (p11) of fig 6, comprises, a sensor that function for outputting color data (R, G B, Y signal, as shown in fig 14) during a reading period of the sensors, (as discussed in col.8, lines 35 through 65, the signal are red out every one horizontal scanning period in one row unit, --- all row have been completely read out with in different time period, fig 7C).

Although Kinugas (817) shows a color (RGB) data processing and with monochromic (Y) data read out switching via time delay circuit 22 of fig 14, as discussed in col.10, lines 5-15, and lines 25-40).

However, Kinugasa et al., does not expressly teach a reading period of monochrome sensor. **But** Beckett teaches a monochrome sensor (22 of fig 1) is arranged beside a color sensor (24 of fig 1, as shown in fig 1, which has a different outputting period).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Kinugasa to include: a monochrome sensor.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kinugasa imaging device by the teaching of Beckett for the purpose of obtaining a preferable color or monochrome image choice for all the prints of different color according to user's preference.

With respect to claim 16, Kinugasa teaches an image scanner (as shown in fig 6), wherein the pixels of said first group of color-sensor devices and said second group of monochrome-sensor devices comprise photo-detectors, (vertically and horizontally arranged CCD sensor of fig 6, comprises, horizontally arranged sensors [16 of fig 6 in a row] as the first group, and the vertically arranged sensors 17, as the second group sensor formed on the same (CCD) chips, each of the sensors comprising a pixel line and a charge-transfer part for transferring signal charge to be read from each pixel of the pixel line, and sensor 16 of fig 6, comprising a pixel line a photodiodes (p11), (p12) ...etc., as shown in fig 6, in horizontal and vertical arrangement).

Response to the arguments

4. In response to the Office action of November 2, 2006, applicant's remarks filed March 02, 2007 with respect to claims 12 and 16 have been reviewed and respectfully considered. However, Examiner respectfully disagrees with applicant that the prior arts in combination still read on the claimed limitation of claimed invention.

In response to applicant's argument that the references fail to teach or show certain features of applicant's invention in combination as indicted in page 7 and 8 of

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applicant's response, it is noted that the features upon which applicant relies (i.e., claim 12) is clearly suggested or taught by Kingasa (817), in combination with Beckett (502).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Kinugasa (817) by including a monochrome sensor of Beckett (502), which is arranged on the same substrate camera image sensor 12.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kinugasa (817) imaging device by the teaching of Beckett, the motivation doing that is for obtaining a color or monochrome image choice for all the prints of different image color or monochromatic, according to user's preference.

Furthermore, applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Further, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

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In addition, examiner has respect fully submits that the current office action in view of applicant's arguments has been reviewed and updated with more explanation and clarification, which might help to clearly understand the position of the examiner.

Therefore, Examiner respectfully submits that the prior art used in the previous Office action still read on the claimed limitation of the invention.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Negussie Worku

05/17/07



AUNG S. MOE
SUPERVISORY PATENT EXAMINER
5/23/07